

GOVERNMENT OF ANDHARA PRADESH
ABSTRACT

Gram Panchayats - Kaikaluru Gram Panchayat & Mandal, Krishna District – Revision Petition filed by Smt S. Sathyavathi, Ex. Sarpanch, Kaikaluru, before the Government against the proceedings of the District Collector (PW), Krishna District – Hon'ble Lokayuktha orders dt. 22.9.2011- Case heard on 25.2.2012 – Review Rescinded – Orders - Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O. Rt No. 661

Dated: 20-04-2012

Read the following :

- 1) From the District Collector (PW), Krishna Roc. No. 72/2005, Pts.5, dt 14.03.07.
- 2) From the District Collector (PW), Krishna Roc. No. 72/2005, Pts.5, dt 29.06.07
- 3) From Smt S. Sathyavathi, Ex. Sarpanch, Kaikaluru Gram Panchayat & Mandal, Krishna District , Revision Petition dt 16-08-07.
- 4) Govt. Memo. No. 22223/PTS-II/A1/2007-1, dt. 22-09-07
- 5) From the District Collector (PW), Krishna Lr.Roc. No. 72/2005, Pts.5, dt 3.10.07.
- 6) Govt. Memo No. 22223 /PTS-II/A2/2007-4, dt. 3-01-08.
- 7) From the District Collector, Krishna , Lr. Roc. No. 72/2005, Pts.5, dt 26-06-08.
- 8) From the Dy. Registrar, I/o. A.P.Lokayukta, Lr. Dis No. 1459/05/B2/9430/08, dt.11-09-2008.
- 9) G.O.Rt. No. 1544, PR&RD(PTS.II) Dept., dt.15.10.08.
- 10) From the Dy. Registrar, I/o. A.P.Lokayukta, Lr. Dis No. 1459/05/B2/5144/11, dt. 07-10-2011.
- 11) Government memo No.22988/PTS.II/A2/11-1, dt. 16-11-2011.
- 12) From the District Panchayat Officer, Krishna , Lr. Roc. No. 72/2005, Pts.5, dt 19-12-2011.

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ORDER:

In the reference 1st read above, the District Collector, (PW), Krishna District has issued orders disqualifying Smt S. Sathyavathi, Ex. Sarpanch, Kaikaluru to contest as a Sarpanch or Upa Sarpanch for a period of two years under section 249 (1)(iv) & (3) of the Andhara Pradesh Panchayat Raj Act, 1994.

2. In the reference 2nd read above, the District Collector, (PW), Krishna District has issued orders for recovery of an amount of Rs. 35,39,000/- for misappropriation of Gram Panchayat funds which were collected from the villagers by creating Village Development Committee from the villagers of Kaikaluru Gram Panchayat for providing water connection under Revenue Recovery Act.

3. In the reference 3rd above, Smt S. Sathyavathi, Ex. Sarpanch, Kaikaluru, Gram Panchayat, Krishna District has filed a Revision Petition before the Government and requested to set aside the orders passed by the District Collector, (PW), Krishna and stated that she never misappropriated any Gram Panchayat Funds.

4. In the reference 4th read above, Government while granting stay against District Collector proceedings dated 29-06-07 has requested the District Collector, (PW), Krishna District to furnish his report to the Government along with his specific remarks

in the matter. During the hearing the Dist. Panchayat Officer has brought to the notice that a complaint was filed before the Registrar, I/o of Lokayuktha which is bearing on the revision petition filed by the petitioner. A criminal case was filed against the petitioner in CR No. 58/07 on 18.6.07 and the Hon'ble JFCM Court, Kaikalur accorded permission for investigation.

5. The Government have gone through the records brought by the District Panchayat Officer, and also the material papers filed by the Petitioner as well as the arguments adduced during the hearing. After hearing the case Government have allowed the review petition and issued orders in the reference 9th read above and requested the District Collector(PW), Krishna to take further necessary action in the matter accordingly.

6. The Hon'ble Lokayuktha in its judgement dated: 22-9-2011 received on 18-10-2011 has observed that the Dist. Collector (PW), Krishna also come to a positive conclusion that the Sarpanch has misappropriated an amount of Rs. 35,39,000/-. But unfortunately the Government allowed her revision without even prior concurrence of the Hon'ble Lokayuktha and also with this observation the complaint was closed and stated that it is a fit case, where the Government has to review its order issued in GO Rt. No. 1544, dt. 15.10.2008, in the light of the above observation made by the Institution in the interest of the public in order to get faith of the public by the Government as well as the Hon'ble Lokayuktha. Otherwise there is no purpose of enacting this act will not suffice and requested the Prl. Secretary (PR) to place the matter before the Government and the District Panchayat Officer, Krishna has requested to furnish his report on the observations of the Hon'ble Lokayuktha and send a report to the Government to decide the case.

7. In the reference 12th read above, the District Panchayat Officer, Krishna has sent his report to the Government and stated that the Tahasildar was authorised for recovery of the misappropriated amount from the Ex-Sarpanch under 265 APPR Act. 1994 vide Procds. Roc.No.72/2005, Pts.5, dt. 29.06.2007.

8. Keeping in view of the observations made by the Hon'ble Lokayuktha in its order dt. 22-9-2011 the case was heard on 25-02-2012. On the arguments of the both the parties and from the material available on record the Government have observed the following points.

- i) The GPs intention of collecting funds from the public and using the same to construct PWS scheme through village Development Committee should have been formulated in shape of a bye-law and got approved by the Commissioner Panchayat Raj before implementation which has not been done in this case.
- ii) the amount collected from public for execution of the project were kept in a private account in Andhra Bank , Kaikalur in the name of the Sarpanch instead of putting the same in the account of Gram Panchayat which is a gross irregularity; and
- iii) In the Gram Panchayat resolutions it was mentioned that 19-51 Acs. of land required for PWS scheme would be donated by the villagers. But, it is seen that the village Development Committee has purchased the land for huge consideration from out of the amount collected from public.

iv)
9. Government after care full examination of the matter and apart from the above a few prima-facie irregularities are observed in the execution of the scheme and the above circumstances it may not be appropriate on the part of the Government to pre-empt the Collector from taking action as per rules by issuing the G.O.Rt. No. 1544, dt.15.10.2008. Hence, the G.O.Rt. No. 1544 PR&RD (Pts.II) Dept., dt.15.10.2008, is hereby rescinded and the District Collector (PW), Krishna is advised to proceed with the case and take appropriate action as per rules.

10. The District Collector (PW) Krishna is hereby directed to take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R. BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT

To:

Smt. Sathyavathi, Ex-Sarpanch, Kaikaluru GP.,
Krishna Dist.

The Dist. Collector/ DPO, Krishna, at Machilipatnam.

Copy to:

The Commissioner of Panchayat Raj, Hyderabad.

Sri. T.V.V. Koteswara Rao & Sri N. Satyanarayana Raju,
Advocates, H.No. 15-11, Ganga Hospital Lane,
Prasanth Nagar, Hyderabad.

The Registrar, I/o Hon'ble Lokayuktha, Hyderabad.

PS to M (PR).

Law (A) Department.

//FORWARDED BY ORDER//

SECTION OFFICER